

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 1719 - SB 1735

February 13, 2018

SUMMARY OF BILL: Removes the authority of a magistrate to issue a temporary order of protection to the victim upon arrest of a person for a domestic violence offense and establishes a new procedure in cases of domestic violence that require the court to issue a 12-hour hold of the defendant if there is evidence of bodily injury and the defendant used or displayed a deadly weapon.

ESTIMATED FISCAL IMPACT:

On February 11, 2018, a fiscal note was issued for this bill with the following estimated fiscal impact:

*Increase Local Expenditures – \$42,800 Incarceration**

Upon further review, this impact was determined to be in error. The fiscal impact has been corrected as follows:

(CORRECTED)

NOT SIGNIFICANT

Corrected assumptions:

- The proposed legislation deletes Tenn. Code Ann. § 36-3-602(c), and adds a new subsection to Tenn. Code Ann. § 40-11-150 to create a new procedure in cases of domestic violence.
- The proposed legislation requires a court to impose a 12-hour hold period upon a respondent if there is probable cause to believe that the respondent caused serious bodily injury to a domestic abuse victim or used or displayed a deadly weapon. Upon release, the court shall issue a no contact order.
- These defendants are already subject to a 12-hour hold under Tenn. Code Ann. § 40-11-150(h). Any impact to local incarceration costs or to the caseload of the courts is considered to be not significant.

HB 1719 - SB 1735 (CORRECTED)

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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